

AMENDED IN SENATE MARCH 28, 2012

SENATE BILL

No. 1422

Introduced by Senator Anderson

February 24, 2012

An act to amend ~~Section~~ *Sections 31650 and 31700* of the Penal Code, relating to handguns.

LEGISLATIVE COUNSEL'S DIGEST

SB 1422, as amended, Anderson. Handguns: handgun safety ~~certificate; exemptions; certificate.~~

Existing law authorizes a certified handgun safety instructor to charge a fee of \$25 for the issuance of a handgun safety certificate, \$15 of which is paid to the Department of Justice to cover the department's costs in carrying out and enforcing provisions of law relating to handgun safety certificates, and deposited into the Firearms Safety and Enforcement Special Fund.

This bill would reduce the fee for a handgun safety certificate to \$15 for an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States who was honorably discharged before September 11, 2001.

Existing law prohibits any person, with exceptions, from purchasing or receiving any handgun, except an antique firearm, without a valid handgun safety certificate, or to sell, deliver, loan, or transfer any handgun, except an antique firearm, to any person who does not have a valid handgun safety certificate. Existing law exempts certain persons from the requirement of having a handgun safety certificate, including active or honorably retired members of the United States Armed Forces, the National Guard, the Air National Guard, and the active reserve

components of the United States, where individuals in those organizations are properly identified.

This bill would similarly exempt an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States who was ~~honorably discharged within an unspecified number of years, and where the individual is properly identified as having been honorably discharged within an unspecified number of years, as provided on or after September 11, 2001.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 31650 of the Penal Code is amended to*
2 *read:*

3 31650. (a) The certified instructor may charge a fee of
4 twenty-five dollars (\$25), fifteen dollars (\$15) of which is to be
5 paid to the department pursuant to subdivision (c). *For an*
6 *honorably discharged member, the certified instructor may charge*
7 *a fee of fifteen dollars (\$15), ten dollars (\$10) of which is to be*
8 *paid to the department pursuant to subdivision (c).*

9 (b) An applicant to renew a handgun safety certificate shall be
10 required to pass the objective test. The certified instructor may
11 charge a fee of twenty-five dollars (\$25), fifteen dollars (\$15) of
12 which is to be forwarded to the department pursuant to subdivision
13 (c). *For an honorably discharged member, the certified instructor*
14 *may charge a fee of fifteen dollars (\$15), ten dollars (\$10) of which*
15 *is to be forwarded to the department pursuant to subdivision (c).*

16 (c) The department may charge the certified instructor up to
17 fifteen dollars (\$15) for each handgun safety certificate issued by
18 that instructor, *or up to ten dollars (\$10) for each handgun safety*
19 *certificate issued by an instructor to an honorably discharged*
20 *member, to cover the department's cost in carrying out and*
21 enforcing this article, and enforcing the provisions listed in
22 subdivision (e), as determined annually by the department.

23 (d) All money received by the department pursuant to this article
24 shall be deposited into the Firearms Safety and Enforcement
25 Special Fund created pursuant to Section 28300.

(e) The department shall conduct enforcement activities, including, but not limited to, law enforcement activities to ensure compliance with the following provisions:

(1) Section 830.95.

(2) Title 2 (commencing with Section 12001) of Part 4.

(3) This part, except Sections 16965, 17235, and 21510.

(f) *For purposes of this section, “honorably discharged member” means an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States, who has received a United States Department of Defense certificate of release or discharge from active duty, DD Form 214, with an effective date of separation before September 11, 2001, indicating a discharge under honorable conditions.*

SECTION 1.

SEC. 2. Section 31700 of the Penal Code is amended to read:

31700. (a) The following persons, properly identified, are exempted from the handgun safety certificate requirement in subdivision (a) of Section 31615:

(1) Any active or honorably retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Any active or honorably retired federal officer or law enforcement agent.

(3) Any reserve peace officer, as defined in Section 832.6.

(4) Any person who has successfully completed the course of training specified in Section 832.

(5) A firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, who is acting in the course and scope of that person’s activities as a person licensed pursuant to Sections 26700 to 26915, inclusive.

(6) A federally licensed collector who is acquiring or being loaned a handgun that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(7) A person to whom a handgun is being returned, where the person receiving the firearm is the owner of the firearm.

(8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.

1 (9) Any individual who has a valid concealed weapons permit
2 issued pursuant to Chapter 4 (commencing with Section 26150)
3 of Division 5.

4 (10) An active, or honorably retired member of the United States
5 Armed Forces, the National Guard, the Air National Guard, the
6 active reserve components of the United States, where individuals
7 in those organizations are properly identified. For purposes of this
8 section, proper identification includes the Armed Forces
9 Identification Card, or other written documentation certifying that
10 the individual is an active or honorably retired member.

11 (11) An honorably discharged member of the United States
12 Armed Forces, the National Guard, the Air National Guard, or the
13 active reserve components of the United States, ~~where that~~
14 ~~individual has been discharged within the last ____ years, and where~~
15 ~~the individual is properly identified as having been honorably~~
16 ~~discharged within the last ____ years. For purposes of this section,~~
17 ~~proper identification includes written documentation certifying~~
18 ~~that the individual is an honorably discharged member within the~~
19 ~~last ____ years who is honorably discharged on or after September~~
20 ~~11, 2001. For purposes of this section, “honorably discharged~~
21 ~~member” means a person who has received a United States~~
22 ~~Department of Defense certificate of release or discharge from~~
23 ~~active duty, DD Form 214, with an effective date of separation on~~
24 ~~or after September 11, 2001, indicating a discharge under~~
25 ~~honorable conditions.~~

26 (12) Any person who is authorized to carry loaded firearms
27 pursuant to Section 26025 or 26030.

28 (13) Persons who are the holders of a special weapons permit
29 issued by the department pursuant to Section 32650 or 33300,
30 pursuant to Article 3 (commencing with Section 18900) of Chapter
31 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing
32 with Section 32700) of Chapter 6 of this division.

33 (b) The following persons who take title or possession of a
34 handgun by operation of law in a representative capacity, until or
35 unless they transfer title ownership of the handgun to themselves
36 in a personal capacity, are exempted from the handgun safety
37 certificate requirement in subdivision (a) of Section 31615:

38 (1) The executor or administrator of an estate.

39 (2) A secured creditor or an agent or employee thereof when
40 the firearms are possessed as collateral for, or as a result of, or an

1 agent or employee thereof when the firearms are possessed as
2 collateral for, or as a result of, a default under a security agreement
3 under the Commercial Code.

4 (3) A levying officer, as defined in Section 481.140, 511.060,
5 or 680.260 of the Code of Civil Procedure.

6 (4) A receiver performing the functions of a receiver.

7 (5) A trustee in bankruptcy performing the duties of a trustee.

8 (6) An assignee for the benefit of creditors performing the
9 functions of an assignee.

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